

Will Galison
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To : Alan Friedburg Fax (212) 401-0810
Departmental Disciplinary Committee
Supreme Court, Appellate Division
First Judicial Department

4/28/08

Regarding docket number 2004-464

Mr Friedberg,

Whether by malice or mere lack of diligence, your letter of April 25, 2008 is fundamentally false and/ or misleading in several respects.

You wrote: "As you know, there is pending litigation concerning the same or related facts which you have alleged here". I know no such thing.

- 1) The ethical infractions outlined in my complaint #2008.0514 are not the same or substantially related to any facts that are being adjudicated in court. There are no issues of fact that are pending decision that have any bearing on the ethical complaints.
- 2) Even if the ethical allegations were related to the facts of an existing legal procedure that would have no bearing on your committee's obligation to investigate and prosecute my complaint. According to Section 605.9 of the Unified Rules:

§ 605.9 Abatement of Investigation

General Rule. The processing of complaints involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation need not be deferred pending determination of such litigation.

If you are aware of the gathering legal maelstrom that is about to descend upon your organization like a pillar of fire, your employment of the “pending litigation ruse” is astonishingly ill advised and reckless.

Please be advised that if I do not hear from you within one week I will be amending your name to a Federal RICO complaint which has already been filed against your disgraced predecessor,, Thomas Cahill, and his deputy, Sherry Cohen. I will also advise my colleagues in this action to amend their complaints accordingly.

Be aware that my case part of a massive class action suit which is being organized specifically against the DDC, and which is spearheaded by the case of Christine Anderson, who has already disclosed the systematic whitewashing of complaints by the same anemic ruse you employ in your letter, and who possesses knowledge and documentation of the abuses of your committee in my specific case.

I had hoped that your replacement of Cahill would usher in a period of integrity for the DDC, but your response dashed that hope. I would like nothing more than to bring you to justice along with your colleagues, but since you are new to the game, I am giving you this chance to redeem yourself and avoid years of litigation, and likely fines, imprisonment and eternal disgrace. There was a time when the tactic of frustrating of people into submission was effective, but times have changed. Now, every time you try a sneaky ploy like this, we just get madder, and more organized, more press, more political influence, and more power.

Mr. Friedburg, the ship of corruption is sinking, with or without you. You can go down with that abominable reeking scow, or you can grab the life preserver I am throwing you. You may thank me someday for warning you of what is brewing at the highest levels of the Justice Department against your colleagues, or you may curse me from behind bars. One way or the other, with me or without me, the First Departmental Disciplinary Committee and the lawyers they have protected will soon be brought to justice, disgraced and punished with unprecedented vigor and publicity.

Very Truly Yours,

Will Galison

Cc: Inspector General; Hon. Joseph Frisch

*Exerpt of Federal RICO complaint against
The First Departmental Disciplinary Committee.*

The Disciplinary Complaint

In February 2004, Plaintiff filed a complaint with the Departmental Disciplinary Committee First Appellate Division (DDC) against attorney Jeffrey A. Greenberg, of the law firm Beldock, Levine and Hoffman.

The complaint alleged acts in violation of numerous ethical rules as proscribed in the LCPR, including but not limited to: DR 1-102 [1200.3], DR 5-105 [1200.24], DR 5-107 [1200.26], DR 6-101 [1200.30], DR 7-102 [1200.33], DR 7-105 [1200.36]

Plaintiff decided to pursue relief through the DDC before filing a lawsuit against defendants Greenberg and Peyroux. Plaintiff hoped that a sanction or threat of sanction against Greenberg by the DDC would compel Greenberg to withdraw his libelous statements and baseless threats of criminal prosecution, and that a lawsuit seeking this same relief would

therefore be unnecessary. **If the DDC had performed its duties faithful to its mandate, Plaintiff would not have been harmed.**

The DDC “Whitewashed” The Complaint.

DDC procedure requires a complaint to be vetted by an investigator, then sent to the lawyer who has been complained about (“respondent”) who has twenty days to respond to the allegations. The complainant then answers the respondent’s response and the case is decided by the DDC. In this case, Plaintiff’s complaint was vetted by DDC investigator Kevin O’Sullivan and sent on to Greenberg for a response. Investigating Attorney O’Sullivan is authorized to determine whether or not a complaint merits an investigation by the DDC.

In this case, **Mr. O’Sullivan told Plaintiff that if his allegations against Mr. Greenberg were true, Mr. Greenberg would be in clear violation of LCPR rules.** Mr. O’Sullivan began the investigation and sent the complaint to Greenberg. In so doing, **he determined that it was within the Committee’s authority and may involve an ethical violation,** in compliance with the DDC booklet “Complaints Against Lawyers” which reads states:

*“If the initial screening reveals that the complaint is **within our Committee’s authority and may involve an ethical violation**, the legal staff will carry out an initial investigation of the case. During this investigation, the attorney about whom you have complained will be sent a copy of your complaint and will be given the opportunity to respond to it. You in turn, will be given the opportunity to reply to the lawyer’s response.”*

There is a strict twenty-day deadline for the lawyer to respond to the complaint. Greenberg ignored the twenty-day deadline, and submitted his response well after *forty* days, with no sanction or admonition from the Committee for this lateness. His long overdue response was in the form of a letter to DDC Chief Counsel Cahill from Greenberg’s attorney (and employer) Myron Beldock.

In it, Mr. Beldock’s advises the DDC that he is enclosing an “answer” to the complaint, **“which is 22 pages in length and attaches 27 exhibits, is provided in two forms: the first redacts all content after pg. 3; the second is a full text, with all exhibits, contained in a SEALED ENVELOPE”** [emphasis added].

In other words, NIETHER PLAINTIFF OR THE DDC WERE ALLOWED TO VIEW THE PURPORTED “ANSWER” because it was redacted in one case and sealed in the other. In an accompanying letter.

The DDC booklet “Complaints Against Lawyers” states: “*You in turn, will be given the opportunity to reply to the lawyer’s response.*” Plaintiff then wrote to Thomas Cahill, asking how he could be expected to respond to the contents of a “sealed envelope” to which he had no access. After several weeks of no response from Mr. Cahill. Plaintiff called Rebecca Taub, and asked the same question. Ms. Taub told Plaintiff simply to “**do the best you can**”.

Despite the absence of anything to respond to, Plaintiff wrote a “response”, documenting his disciplinary claims *and emphasizing the distinctions between the civil claims and the disciplinary claims.*

Several months later, Plaintiff received a letter from Thomas Cahill claiming that the case had been dismissed. Plaintiff responded by asking whether the dismissal was based on the contents of the “sealed envelope” or on some other evidence of which he was unaware. He pointed out that the respondents had failed to present any defense whatsoever, against his comprehensive, documented complaint that had been vetted by the DDC.

The DDC responded that a mistake must have had been made and that a new examiner would review the case.

On March 7, 2005, *one year after the original complaint was filed*, Thomas Cahill wrote: “[The] second review has taken place in accordance with our rules. This is to advise you that the file should remain closed on the basis that **your complaint is a civil dispute** in which the allegations do not rise to a viable claim of professional misconduct. That decision was made, as in the first instance, **without examination of the alleged confidential information provided by the attorney under seal which remains under seal.**”

Contrary to the DDC rules, Cahill ignored Plaintiff’s response to the “sealed envelope” that carefully distinguished the claims from the civil case from the disciplinary claims specified by Mr. O’Sullivan in the disciplinary complaint.

For example, Plaintiff pointed out that while one *civil* claim was “tortious interference with prospective business advantage” the *disciplinary* complaint stemming from the same facts was DR 1-102. Misconduct. (a) A lawyer or law firm shall not:engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Plaintiff did not sue Greenberg in civil court for lying

to Rounder and Echomusic, because lying is not a tort. Plaintiff brought *disciplinary claims* against Greenberg for lying to Rounder and Echomusic, because according to the LCPR “a lawyer or law firm shall not:) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation” Because lying is not a civil tort, it is simply untruthful for Mr. Cahill to say that Plaintiff’s complaint is “a civil dispute.”

Likewise, Plaintiff enumerated numerous other specific ethical violations from the LCPR that had no related claims in the civil case.

By misrepresenting Plaintiff’s complaint Cahill is in violation of DR 1-102.

Judge Buckley’s response

- 1) In February, 2005, while awaiting the final determination from Cahill, Plaintiff contacted Judge John Buckley of the First Department Appellate Division through Buckley’s assistant Matthew Greico. Plaintiff presented Greico with all previous correspondence with the DDC, including the “sealed envelope” correspondence. At Judge Buckley direction, Grieco told Plaintiff that the complaint must be “suspended” due to the fact that there was an ongoing litigation. Judge Buckley’s decision is in direct contradiction of the Rules of the Unified

Court System: § 605.9 Abatement of Investigation, and therefore in violation of By misrepresenting Plaintiff's complaint Cahill is in violation of DR 1-102

“Matters Involving Related Pending Civil Litigation or Criminal Matters. General Rule. The processing of complaints involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation need not be deferred pending determination of such litigation.”

- 2) **The actions of the DDC particularly (Cohen and Cahill), in this matter, are identical in substance and method to those alleged in the action “Christine Anderson v State of New York).** In both cases, an investigating attorney vetted complaints, which were then sent to the respondents per DDC procedure. In both cases, investigations were removed from the authority of the Investigating Attorney and taken into the private purview of Sherry Cohen. In both cases, the cases were then dismissed or “whitewashed” without proper investigation and with clear prejudice toward the respondents.
- 3) After Plaintiff complained about the “sealed envelope” fiasco, the case was suddenly and without explanation, removed from the purview of Mr. O’Sullivan and taken into the sole purview of Sheryl Cohen.

Plaintiff was henceforth prohibited by Cohen from communicating with Mr. O'Sullivan in any way. When Plaintiff left a message on O'Sullivan's voice mail, Cohen intercepted the message, and reprimanded Plaintiff.

- 4) In May of 2006, Plaintiff filed a different disciplinary complaint against Wendy Stryker and Ronald Minkoff; two attorneys selected by Beldock to represent Peyroux. In response to this complaint, Mr. Galison was sent a letter from Thomas Cahill, stating: "*Since your complaint involves parties and counsel that are in the midst of litigation we decline to proceed at this juncture. Accordingly, we have decided to close our investigation at this time.*"
- 5) **As stated above, this response is contrary to Rule 605.9 of the Rules of The Unified Court System.**
- 6) In early 2006, Plaintiff submitted a disciplinary complaint against Leon Freidman. On April 5, 2006 Cahill wrote to Plaintiff: "*We have reviewed your complaint against Leon Friedman Esq. **This attorney does not practice on Manhattan or the Bronx and is, therefore, not in our jurisdiction.** Accordingly we are forwarding your complaint, and any accompanying documentation to the appropriate grievance*

committee named below: Rita Adler, Tenth Judicial District, Grievance Committee, 150 Motor Parkway, #102 Happaugue, NY 11788.”

- 7) **Mr. Cahill’s statement regarding jurisdiction is entirely untrue and in violation of DR 1-102.**
- 8) **Leon Friedman *does* practice in Manhattan and has his office in Manhattan.** Friedman’s letterhead reads: **“Law Offices of Leon Friedman, 148 East 78th Street, New York N.Y. 10021”** Mr. **Friedman resides at 103 East 86th street. New York NY 10028”**.
Upon information and belief, Friedman’s only association with the Tenth District is that he teaches part-time at Hofstra University. Upon information and belief, he does not have a law office or a practice there.
- 9) Rita Adler never sent the complaint to Mr. Friedman and never contacted Plaintiff.
- 10) When, weeks later, Plaintiff inquired to the Tenth District Grievance Committee as to the disposition of the complaint, he was told that the Grievance Committee declined to pursue the complaint because Friedman “was in the midst of a related litigation”.
- 11) **As noted above, this response is contrary to Rule 605.9 of the Rules of The Unified Court System.**

